

## **IDAPA 33 - REAL ESTATE COMMISSION**

### **33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION**

**DOCKET NO. 33-0101-0702**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2007.

**AUTHORITY:** In compliance with Sections 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-2007, Section 54-2027(6), Idaho Code, as amended by S 1109.

**PUBLIC HEARING:** Public hearing concerning this rulemaking will be as follows:

**Thursday, July 26, 2007  
10:00 a.m.  
The Idaho Real Estate Commission  
633 North Fourth Street  
Boise, Idaho 83702**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule:

Effective July 1, 2007, (and as a result of Senate Bill 1109), the license law will prohibit real estate education providers from offering, for licensing credit, any course that is being taught below the "minimum teaching standards established by the Commission." This rule establishes those minimum standards.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule change is necessary to comply with deadlines in amendments to governing law, specifically, Senate Bill 1109, which inferentially requires that the Commission establish minimum teaching standards. The law becomes effective July 1, 2007.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Jeanne Jackson-Heim, (208) 334-3285.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 29<sup>th</sup> day of May, 2007.

Jeanne Jackson-Heim, Executive Director  
Agency: Idaho Real Estate Commission  
Physical Address: 633 N. Fourth St., Boise, ID 83702  
PO Box 83720, Boise, ID 83720  
(208) 334-3285; (208) 334-2050 (fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 33-0101-0702

403. -- ~~999499~~. (RESERVED).

**RULES 500 THROUGH 599 – EDUCATION TEACHING STANDARDS**

**500. MINIMUM TEACHING STANDARDS OF THE COMMISSION.**

All courses offered for credit by a certified provider shall be taught in accordance with the following standards of the Real Estate Commission: (7-1-07)T

**01. Certification Requirement.** A course required to be taught by a Commission-certified or Commission-approved instructor shall be taught only by an instructor that is currently approved or certified for that course: (7-1-07)T

**02. Outlines and Curriculum.** A course must be taught in accordance with the course outline or curriculum approved by the Commission: (7-1-07)T

**03. Attendance Requirement.** The course instructor shall adhere to the Commission's written attendance policy and shall submit credit hours only for students who have successfully met the attendance requirements for which the course was approved. (7-1-07)T

**04. Product Promotion and Recruitment.** The course instructor shall adhere to the Commission's written policies restricting product promotion and recruitment activities in the classroom: (7-1-07)T

**05. Professional Mannerism.** The course instructor shall conduct himself or herself in a professional manner when performing instructional duties, and shall not engage in any form of harassment based on the gender, national origin, race, religion, age or physical or mental disability of any student, and shall not engage in conduct that degrades or disparages any student or other instructor. (7-1-07)T

**06. Subject Matter Knowledge.** The instructor shall conduct the class in a manner that demonstrates knowledge of the subject matter being taught: (7-1-07)T

**07. Competent Teaching Skills.** The instructor shall conduct the class in a manner that demonstrates competency in the following basic teaching skills: (7-1-07)T

**a.** The ability to effectively communicate through speech: (7-1-07)T

**b.** The ability to present instruction in an accurate, logical, orderly and understandable manner and to respond appropriately to questions from students: (7-1-07)T

**c.** The ability to utilize varied instructional techniques in addition to lecture, such as class discussion, role playing or other techniques in a manner that enhances learning: (7-1-07)T

**d.** The ability to utilize instructional aids and modern technology in a manner that enhances learning: (7-1-07)T

**e.** The ability to maintain an appropriate learning environment and effective control of a class: (7-1-07)T

**f.** The ability to interact with adult students in a manner that encourages students to learn, that avoids offending the sensibilities of students, and that avoids personal criticism of any other person, including fellow peer

instructors, any agency or any organization.

(7-1-07)T

**08. Prohibited Conduct.** The course instructor shall not display any images or use language, including jokes and stories, that are vulgar, that contain racial, sexual, or religious slurs, or that otherwise is intended to disparage or degrade any student or peer instructor. Excessive reference to personal history, or the sharing of information of an intimate or highly personal nature concerning the instructor or any other person, is not permitted.

(7-1-07)T

**09. Maintaining Exam Security.** The instructor shall take reasonable steps to protect the security of course examinations and shall not allow students to retain copies of final course examinations or the exam answer key.

(7-1-07)T

**10. Use of Exam Questions Prohibited.** The instructor shall not obtain or use, or attempt to obtain or use, in any manner or form, Idaho real estate licensing examination questions.

(7-1-07)T

**11. Instructor Evaluations.** The instructor must maintain, for the course, an annual average of four point zero (4.0) (based on one to five (1-5) scale) on the standard Commission evaluations for the instructor's overall average category.

(07-1-07)T

**501. -- 999. (RESERVED).**